

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

9

TITLE OF CASE		ATTORNEYS			
M. B. BALDRIDGE and LEO W. IMHAUSER vs McPIKE, INC., a Missouri Corporation; NILES & MOSER CIGAR COMPANY, a Missouri Corporation; THE NILES AND MOSER CIGAR COMPANY OF COLORADO, a Colorado Corpora- tion; SOUTHWEST CIGAR COMPANY, a Texas Corporation; MERLE C. SPERRY; R. O. STENZEL; WILLIAM G. STENZEL; and JOHN STENZEL		For plaintiff: Holmes Baldridge 400 Denver Hilton Office Bldg. 1515 Cleveland Place Denver, Colorado 80202 Tel: 303 825-3281 Royce H. Savage 914 World Bldg. Tulsa, Okla. 74103 For defendant: RUCKER, TABOR, McBRIDE & HOPKINS <i>(B.W. Tabor)</i> B. W. Tabor P. O. Box 1439 Tulsa, Oklahoma 74101 Hillix, Brewer & Myers <i>(Hunt W. Hillix)</i> 2715 Commerce Tower 911 Main Street Kansas City, Mo. 64199			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-71	Clerk	6-14-71	Baldridge	15 00	
		6-17-71	C.D.No.55		15 00
		1-13-72	Baldridge	5 00	
J.S. 6 mailed 1-1-72	Marshal	1-20-72	C.D.No.33		5 00
Basis of Action: Conspiracy to defraud ptfs. in regard to pension plan, vacation & severance pay	Docket fee Witness fees Depositions				
Action arose at: NDO					

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-14-71	Complaint, filed. Summons issued. m	
6-25-71	Summons, ret. & filed: served McPike, Inc., Niles & Moser Cigar Co., Niles & Moser Cigar Co. of Colo., Southwest Cigar Co., Merle C. Sperry, Wm. G. Stenzel and John Stenzel, all at Kansas City, Mo. 6-17-71. (USM \$29.20)g; served R. O. Stenzel, Red Feather Lakes, Colo. 6-21-71. (USM \$14.56)g	
6-28-71	Plaintiffs' first set of interrogatories, filed. m	
7-7-71	Deft's Motion for Extension of Time in which to file brief in support of Motion, filed. r	
7-7-71	Deft's Plea to the Jurisdiction and Venue and Motion to Dismiss, filed. r	
7-12-71	Order granting extension of time to 7-17-71 to file brief in support of motion, filed. ds	
7-19-71	Brief in support of deft's plea to the jurisdiction and venue and motion to dismiss, filed. m	
7-26-71	Memorandum brief of plaintiffs in opposition to defts' motion to dismiss the complaint, filed. m	
7-26-71	Deft.'s Motion for extension of time in which to answer or object to Plaintiffs' First set of interrogatories, filed. v	
7-27-71	Case called for hearing on deft's plea to the jurisdiction and venue and motion to dismiss. Pltf. given 10 days to file answer brief. Court takes ruling under advisement and will enter an order without further hearing. <u>Order signed and filed in open court extending time for defts. to answer interrogatories for 30 days from date decision is entered regarding above motion. (LB-J)m</u>	
8-6-71	Supplemental reply memorandum of plaintiffs to defts' brief in support of their motion to dismiss the complaint, filed. m	
8-12-71	Ordered that defts. are granted 10 days to file answer brief to pltf's supplemental reply memorandum. (LB-J)m (letter written)	
8-23-71	Defendants supplemental brief in support of their plea to the jurisdiction and venue and motion to dismiss, filed. ds	
9-1-71	Order, filed and entered, that motion to dismiss of defts. McPike, Inc. a Missouri corp., The Niles and Moser Cigar Co. of Colorado, a Colo. corp., Southwest Cigar Co., a Tex. Corp., Merle C. Sperry, R. O. Stenzel, William G. Stenzel & John Stenzel is sustained; further ordered that pltf's. show proof within 30 days that this Court has jurisdiction with respect to amt. in controversy between remaining deft & pltf's. (LB-J)m (copies mailed)	
9-16-71	Motion of pltf's for a reconsideration of and for amendments to the Court's order of 9-1-71 entered pursuant to defts' motion to dismiss the complaint, filed. m	
9-16-71	Motion of pltf's. for extension of time within which to file brief in support of pltf's' motion for reconsideration of and for amendments to the Court's order of 9-1-71, filed. m	
9-20-71	Brief in opposition to plaintiffs' motion for extension of time within which to file brief in support of motion for reconsideration of and amendments to the order of September 1, 1971, filed. v	
9-22-71	Ordered by the Court that pltf's are granted until 10-5-71 to file brief in support of motion for reconsideration of & for amendments to Court's order of 9-1-71. (LB-J)m (letter written)	
9-27-71	Pltf's' response to defts' brief in opposition to pltf's' motion for extension of time within which to file brief in support of motion for reconsideration of & amendments to the order of 9-1-71, filed. m	
10-7-71	Brief in support of pltf's' motion for a reconsideration of and for amendments to the Court's order of 9-1-71 entered pursuant to defts' motion to dismiss the complaint, filed. m	
11-29-71	Case called for hearing on motion of plaintiffs for a reconsideration (continued)	

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	of and for amendments to the Court's order of 9-1-71 entered pursuant to defts' motion to dismiss the complaint. Plaintiff represented by Helmes Baldridge; deft. rep. by B. W. Tabor, Kent Whitaker. Statements made. Motion is taken under advisement and Court to file order. (LB-J)m	
12-10-71	Order of dismissal, filed and entered. (LB-J)m (copies mailed)	
1-6-72	Notice of appeal by plaintiffs, filed. g)cpy to USCA, Tabor and Whittaker.	
1-6-72	Bond on appeal - U.S. Fidelity & Guaranty Co., surety, filed. g	
1-13-72	Designation of record (letter), filed. g	
1-26-72	Appeal record (orig. only, no transcript) sent to USCA. rm	
3-9-72	Stipulation of parties to supplement record on appeal, filed. g	
3-9-72	Transcript of excerpt from proceedings on motion to dismiss, 7-27-71, filed.	
3-9-72	Supplemental appeal record (orig. + 3 cpies) sent to USCA. g	
9-21-72	Mandate and Opinion of USCA, 10th Circuit, affirming judgment of 12-10-72, filed and spread of record. g	

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